IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 11104 of 1994

Between:

Dena Bank, represented by its Regional Manager,

Bangalore Region.

..... PETITIONER

AND

1. Workmen of Dena Bank, Dharmaram Branch,

rep. by its General Secretary, Dena Bank Employees Union
A.P. Unit, Hyderabad.

2. Hon'ble Industrial Tribunal (Central), Hyderabad,

represented by its Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relevant to the Award dated 7-4-93 of the Hon'ble Industrial Tribunal (Central), Hyderabad, Respondent-2 herein made in Industrial Dispute No.32/87 and quash the same and to suspend the operation of the said Award, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SMT.K.ANNAPURNA REDDY
Counsel for the Respondent No.1: None
Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following:

ORDER:

The writ petition is filed by the Regional Manager of Dena Bank challenging the Award dated 07.4.1993 passed by the Industrial Tribunal (Central), Hyderabad.

2. A reference was made at the instance of workman by the Ministry of Labour to the Industrial Tribunal, Hyderabad by notification dated 22.7.1987. The following is the reference made by the Government for adjudication:

> " Whether the action of the management of Dena Bank is justified in inflicting the punishment of stoppage of special allowance (cash allowance) and also stoppage of annual increment with cumulative effect to Sri N.Laxminarayana, Cashier-cum-Clerk Dharmaram Branch, if not, to what relief the concerned workmen is entitled?"

3. The Tribunal, however, passed Award on 07.04.1993 setting aside the punishment of deferment of annual increment and confirmed the punishment of stoppage of special allowance. Aggrieved by the said Award, the writ petition has been filed by the management.

4. The learned counsel for the management submits that the workman was issued with two charge sheets and two separate punishments and that the Tribunal was under the impression that there was only one charge sheet and two punishments awarded and setting aside one punishment and confirming another punishment is illegal and contrary to law. The Tribunal failed to appreciate this crucial aspect and committed error on the face of record.

5. There is no representation for the respondents. I have considered the contention of the learned counsel for the petitioner and also perused the Award.

6. It is the case of the management that the first respondent was issued with charge sheet on 22.01.1982 for certain irregularities for which ultimately order of punishment was passed on 08.02.1985 for stoppage of special allowance. Similarly, on 09.6.1982 another charge sheet was issued for the misconduct and ultimately it resulted in an order of punishment dated 10.5.1985 withholding the annual increment with cumulative effect. Therefore, the Tribunal ought to have decided the validity of the two punishments independently and obviously as rightly contended by

the learned counsel for the petitioner that the Tribunal was under the impression that there was only one charge sheet for which two punishments were issued. But in fact, two different punishments in respect of two different charge sheets were issued.

7. Under those circumstances, I find that the Award is not sustainable in law and the same is liable to be set aside and the matter is required to be reconsidered afresh.

8. Accordingly, the writ petition is allowed. The Award dated 07.4.1993 is set aside and the matter is remitted back to the Tribunal for fresh consideration. The Tribunal shall issue notices to the parties concerned and pass appropriate award within a period of four months from the date of receipt of this order.

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G.BIKSHAPATHY,J

Date: 02nd December 2004.

Chvn/BSB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday, the second day of December, Two thousand and four.

ASSISTANT REGISTRAR.

// TRUE COPY//

SECTION OFFICER.

To

1. The General Secretary, Dena Bank Employees Union , Dharmaram Branch, A.P. Unit, Hyderabad.

2. The Presiding Officer, Industrial Tribunal (Central), Hyderabad.

3. Two CCs to the Government Pleader for Labour, High Court

Buildings, Hyderabad (OUT).

4. Two CD copies.